

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA) CASE NO.1:05cr245-01
)
Plaintiff) JUDGE SOLOMON OLIVER, JR.
)
vs.)
CLEVELAND HOWARD) <u>ORDER ACCEPTING PLEA</u>
) <u>AGREEMENT, JUDGMENT, AND</u>
Defendant) <u>REFERRAL TO U.S. PROBATION</u>
) <u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge McHargh regarding the change of plea hearing and plea agreement of the above named defendant, which was referred to the Magistrate Judge with the consent of the parties.

On 24 May 2005, the government filed an indictment against the defendant for conspiracy, violation of 18 USC 371. Defendant was arraigned in August 2005, at which time the defendant herein entered a plea of not guilty. On 14 October 2005, Magistrate Judge McHargh received defendant's plea of guilty and issued a Report and

Recommendation (“R&R”) concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge McHargh filed his R&R on 14 October 2005.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. The defendant is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, the defendant is adjudged guilty of Counts 1, 3, 4 and 5 of the Indictment in violation of 18 USC 371, et seq. This matter is referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on 11 January 2006 at 4:00 p.m. in Courtroom 17A.

IT IS SO ORDERED.

/s/ Solomon Oliver, Jr.
UNITED STATES DISTRICT JUDGE